

December 29, 2009

GLORIA L. FRANKLIN, CLERK

U.S. BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA



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Signed: December 29, 2009

ALAN JAROSLOVSKY
U.S. Bankruptcy Judge

Attorneys for US BANK, NA AS TRUSTEE FOR CCB LIBOR SERIES 2007-1 TRUST

UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA - SANTA ROSA DIVISION

In re

LEWIS EVAN SHAPIRO,

Case No. 09-11839-AJ

Chapter 13

R.S. No. JBA-1005

ORDER GRANTING MOTION FOR
RELIEF FROM AUTOMATIC STAY

DATE: December 10, 2009

TIME: 9:00am

Northern District of California - Santa Rosa
Division

United States Bankruptcy Court

99 South "E" Street

Santa Rosa, CA 95404-6524

Debtor(s).

The above-captioned matter came on for hearing on December 10, 2009, at 9:00 AM, upon the Motion of US Bank, NA as trustee for CCB Libor Series 2007-1 Trust ("Movant"), for relief from the automatic stay of 11 U.S.C. § 362, to enforce its interest in the property of Lewis Evan Shapiro ("Debtor") commonly known as 14650 Uhl Avenue, Clearlake, California 95422 (the "Real Property"), which is legally described as follows:

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1 LOT 45 IN BLOCK 7, OF THAT CERTAIN SUBDIVISION
2 KNOWN AS "CLUB HOUSE ADDITION TO CLEARLAKE
3 HIGHLANDS, THIRD PORTION OF TRACTS A AND B,
4 ETC.", FILED IN THE OFFICE OF THE COUNTY RECORDER
5 OF SAID LAKE COUNTY ON OCTOBER 15, 1924, IN BOOK 4
6 OF TOWN MAPS AT PAGE 4.

7 APN: 040-172-55 (Old APN), 040-172-57 (New APN)

8 Appearances as noted on the record.

9 Based on the arguments of counsel, and good cause appearing therefor,

10 IT IS HEREBY ORDERED:

11 1. The automatic stay of 11 U.S.C. § 362, is hereby terminated as it applies to the
12 enforcement by Movant of all of its rights in the Real Property under Note and Deed of Trust,
13 and pursuant to applicable state law;

14 2. Movant is authorized to foreclose its security interest in the Real Property under
15 the terms of the Note and Deed of Trust, and pursuant to applicable state law;

16 3. The 14-day stay provided by Bankruptcy Rule 4001 (a)(3) is waived;

17 4. Post-petition attorney's fees and costs for the within motion may be added to the
18 outstanding balance of the subject Note as allowed under applicable non-bankruptcy law;

19 5. Upon foreclosure, in the event Debtor fails to vacate the Real Property, Movant
20 may proceed in State Court for unlawful detainer pursuant to applicable state law;

21 6. Upon entry of this Order, the Chapter 13 Trustee shall cease making payments in
22 regard to Movant's claim filed in this bankruptcy case;

23 7. Movant may offer and provide Debtor with information re: a potential
24 Forbearance Agreement, Loan Modification, Refinance Agreement, or other Loan Workout/Loss
25 Mitigation Agreement, and may enter into such agreement with Debtor. However, Movant may
26 not enforce, or threaten to enforce, any personal liability against Debtor if Debtor's personal
27 liability is discharged in this bankruptcy case; and

28 8. This Order shall be binding and effective despite any conversion of this
bankruptcy case to a case under any other chapter of Title 11 of the United States Code.

** END OF ORDER **